IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

LA.App..No. 771 of 2007()

LAR.258/2000 of PRL.SUB COURT, KOZHIKODE
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APPELLANT: RESPONDENTS
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1. THE SPECIAL TAHSILDAR(LA),
N.H.I, KOZHIKODE.

2. THE EXECUTIVE ENGINEER,
N.H.DIVISION, KOZHIKODE.

BY GOVERNMENT PLEADER SRI.NOBLE MATHEW

RESPONDENTS: CLAIMANT

P.M.SADANANDAN, 'CHITHRA SILA'
KODILTHODU, P.O.CHEVARAMBALAM,
KOZHIKODE TALUK.

BY ADV. SRI.C.CHANDRASEKHARAN
SRI.K.SANEESH KUMAR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & V.GIRI, JJ.

L.A.A.NO.771 OF 2007 ()
&
C.M.APPLN.NO.914 OF 2007

Dated this the 21st day of August, 2007

J U D G M E N T

KOSHY,J.

C.M.Appln.914/2007 is a petition to condone the long delay of 1111 days in filing the appeal. It is submitted that judgment was pronounced as early as on 30.9.2003. Government Pleader applied for certified copy only on 19.7.2005. Only after two years delay, Govt.Pleader applied for condonation of delay. Absolutely no explanations are stated in the affidavit for the delay in applying for the certified copy. Thereafter the certified copy was received on 29.8.2005 and it was placed before the District Collector for approval only on 16.5.2006. How such long delay occurred in placing the matter before the District Collector is not explained. It is further stated that file was forwarded to the Office of Advocate General on 31.5.2006 for filing an appeal and it was received on 3.6.2006. But appeal is

seen filed only in February 2007 (after eight months) and made a vague submission that after entrusting with the Advocate General there was change of Government Pleaders. But the long delay of more than 1100 days was not explained. Hence we dismiss the delay condonation petition. Consequently appeal is also dismissed.

J.B.KOSHY, JUDGE

V.GIRI, JUDGE

prp

J.B.KOSHY & V.GIRI, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

21st August, 2007